



IFU

PATENT
Customer No. 22,852
Attorney Docket No. 08790.0011

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
John P. DONOGHUE et al.) Group Art Unit: 3763
)
Application No.: 10/717,924) Examiner: Not yet Assigned.
)
Filed: November 21, 2003)
)
For: AGENT DELIVERY SYSTEMS)
AND RELATED METHODS)
UNDER CONTROL OF)
BIOLOGICAL ELECTRICAL)
SIGNALS)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents on the attached IDS Form PTO/SB/08. This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application.

Copies of the listed foreign patent documents and non-patent literatures are attached. Copies of the U.S. patents and published U.S. patent applications are not enclosed.

Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached IDS Form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the Patent Office the relevant facts and law regarding the appropriate status of such documents.

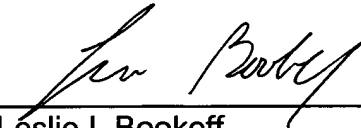
Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: December 27, 2004

By: 
Leslie I. Bookoff
Reg. No. 38,084

IDS Form PTO/SB/08: Substitute for form 1449A/PTO			Complete if Known		
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>			Application Number	10/717,924	
			Filing Date	November 21, 2003	
			First Named Inventor	John P. DONOGHUE	
			Art Unit	3763	
			Examiner Name	Unassigned	
Sheet	1	of	9	Attorney Docket Number	08790.0011

U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS					
Examiner Initials	Cite No. ¹	Document Number	Issue or Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		US-2001/0023368	9/20/2001	Black et al.	
		US-2001/0027336	10/4/2001	Gielen et al.	
		US-2001/0029391	10/11/2001	Gluckman et al.	
		US-2001/0051819	12/13/2001	Fischell et al.	
		US-2001/0056290	12/27/2001	Fischell et al.	
		US-2002/0002390	1/3/2002	Fischell et al.	
		US-2002/0013612	1/31/2002	Whitehurst	
		US-2002/0016638	2/7/2002	Mitra et al.	
		US-2002/0077620	6/20/2002	Sweeney et al.	
		US-2002/0099412	7/25/2002	Fischell et al.	
		US-2002/0169485	11/14/2002	Pless et al.	
		US-2003/0082507	5/1/2003	Stypulkowski	
		US-2003/0083716	5/1/2003	Nicolelis et al.	
		US-2003/0093129	5/15/2003	Nicolelis et al.	
		US-3,837,339	9/24/74	Aisenberg et al.	
		US-3,850,161	11/26/1974	Liss	
		US-4,055,175	10/25/1977	Clemens et al.	
		US-4,146,029	3/27/1979	Ellinwood, Jr.	
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		US-4,360,031	11/23/1982	White	
		US-4,461,304	7/24/1984	Kuperstein	
		US-4,633,889	1/6/1987	Talalla et al.	
		US-4,690,142	9/1/1987	Ross et al.	
		US-4,837,049	6/6/1989	Byers et al.	
		US-4,865,048	9/12/1989	Eckerson	
		US-4,878,913	11/7/1989	Aebischer et al.	
		US-4,883,666	11/28/1989	Sabel et al.	
		US-4,969,468	11/13/1990	Byers et al.	
		US-5,037,376	8/6/1991	Richmond et al.	

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		Number-Kind Code ² (if known)			
		US-5,081,990	1/21/1992	Deletis	
		US-5,119,832	6/9/1992	Xavier	
		US-5,156,844	10/20/1992	Aebischer et al.	
		US-5,215,088	6/1/1993	Normann et al.	
		US-5,325,865	7/5/1994	Beckman et al.	
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		US-5,423,877	6/13/1995	Mackey	
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		US-5,474,547	12/12/1995	Aebischer et al.	
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		US-5,638,826	6/17/1997	Wolpaw et al.	
		US-5,687,291	11/11/1997	Smyth	
		US-5,692,517	12/2/1997	Junker	
		US-5,697,951	12/16/1997	Harpstead et al.	
		US-5,702,432	12/30/1997	Chen et al.	
		US-5,713,923	2/3/1998	Ward et al.	
		US-5,735,885	4/7/1998	Howard, III et al.	
		US-5,758,651	6/2/1998	Nygard et al.	
		US-5,797,898	8/25/1998	Santini, Jr. et al.	
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		US-5,843,093	12/1/1998	Howard, III	
		US-5,843,142	12/1/1998	Sultan	
		US-5,855,801	1/5/1999	Lin et al.	
		US-5,873,840	2/23/1999	Neff	
		US-5,928,228	7/27/1999	Kordis et al.	
		US-5,938,688	8/17/1999	Schiff	
		US-5,938,689	8/17/1999	Fischell et al.	
		US-5,938,690	8/17/1999	Law et al.	

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		US-6,001,065	12/14/1999	DeVito	
		US-6,006,124	12/21/1999	Fischell et al.	
		US-6,016,449	1/18/2000	Fischell et al.	
		US-6,024,700	2/15/2000	Nemirovski et al.	
		US-6,024,702	2/15/2000	Iversen	
		US-6,027,456	2/22/2000	Feler et al.	
		US-6,038,477	3/14/2000	Kayyali	
		US-6,061,593	5/9/2000	Fischell et al.	
		US-6,086,582	6/11/2000	Altman et al.	
		US-6,091,015	7/18/2000	del Valle et al.	
		US-6,092,058	7/18/2000	Smyth	
		US-6,113,553	9/5/2000	Chubbuck	
		US-6,125,300	9/26/2000	Weijand et al.	
		US-6,128,538	10/3/2000	Fischell et al.	
		US-6,134,474	10/17/2000	Fischell et al.	
		US-6,154,678	11/28/2000	Lauro	
		US-6,161,045	12/12/2000	Fischell et al.	
		US-6,163,725	12/19/2000	Peckham et al.	
		US-6,169,981	1/2/2001	Werbos	
		US-6,171,239	1/9/2001	Humphrey	
		US-6,175,762	1/16/2001	Kirkup et al.	
		US-6,181,965	1/30/2001	Loeb et al.	
		US-6,185,455	2/6/2001	Loeb et al.	
		US-6,216,045	4/10/2001	Black et al.	
		US-6,224,549	5/1/2001	Drongelen	
		US-6,240,315	5/29/2001	Mo et al.	
		US-6,254,536	7/3/2001	DeVito	
		US-6,263,237	7/17/2001	Rise	
		US-6,280,394	8/28/2001	Maloney et al.	

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		Number-Kind Code ² (if known)			
		US-6,309,410	10/30/2001	Kuzma et al.	
		US-6,313,093	11/6/2001	Frey, II	
		US-6,319,241	11/20/2001	King et al.	
		US-6,353,754	3/5/2002	Fischell et al.	
		US-6,354,299	3/12/2002	Fischell et al.	
		US-6,356,784	3/12/2002	Lozano et al.	
		US-6,358,202	3/19/2002	Arent	
		US-6,360,122	3/19/2002	Fischell et al.	
		US-6,427,086	7/30/2002	Fischell et al.	
		US-6,436,708	8/20/2002	Leone et al.	
		US-6,459,936	10/1/2002	Fischell et al.	
		US-6,466,822	10/15/2002	Pless	
		US-6,473,639	10/29/2002	Fischell et al.	
		US-6,480,743	11/12/2002	Kirkpatrick et al.	
		US-6,620,415	9/16/2003	Donovan	

Note: Copies of the U.S. Patent Documents are not Required in IDS filed after October 21, 2004

FOREIGN PATENT DOCUMENTS						
Examiner Initials	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Translation ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
		WO 01/43635	6/21/2001	Partha		
		WO 03/035165	May 1, 2003	Nicolelis et al.		
		WO 03/037231	May 8, 2003	Nicolelis et al.		

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		Kensall D. Wise et al., "An Integrated-Circuit Approach to Extracellular Microelectrodes," IEEE Transactions on Biomedical Engineering, Vol. BME-17, No. 3, July 1970, pp 238-247		
		Donald R. Humphrey et al., "Predicting Measures of Motor Performance from Multiple Cortical Spike Trains," Science, New Series, Volume 170, Issue 3959, November 13, 1970, pp 758-762		
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		Anthony L. Owens et al., "Multi-electrode array for measuring evoked potentials from surface of ferret primary auditory cortex," Journal of Neuroscience Methods, Vol. 58, Nos. 1/2, May 1995, pp 209-220		
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		Patrick K. Campbell et al., "A Silicon-Based, Three-Dimensional Neural Interface: Manufacturing Processes for an Intracortical Electrode Array," IEEE Transactions, 1991, pp 758-768	
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		P.R. Kennedy et al., "Restoration of neural output from a paralyzed patient by a direct brain connection," NeuroReport, Vol. 9, No. 8, June 1998 pp 1707-1711	

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		Paolo Dario et al., "Neural Interfaces for Regenerated Nerve Stimulation and Recording," IEEE Transactions on Rehabilitation Engineering, Vol. 6, No. 4, December 1998, pp 353-363		
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)			Application Number	10/717,924	
			Filing Date	November 21, 2003	
			First Named Inventor	John P. DONOGHUE	
			Art Unit	3763	
			Examiner Name	Unassigned	
Sheet	8	of	9	Attorney Docket Number	08790.0011

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		Gerald E. Loeb et al., "BION™ system for distributed neural prosthetic interfaces," Medical Engineering & Physics, Vol. 23, January 26, 2001, pp 9-18	
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		Nicoletis, Miguel A.L., "Brain-machine Interfaces to Restore Motor Function and Probe Neural Circuits," Nature Reviews, Neuroscience, Vol. 4, May 2003, pp. 417-422		
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